

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

Bartonfalls LLC,

v.

Turner Broadcasting System, Inc.

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§

Case No. 2:16-CV-1130-JRG-RSP  
LEAD CASE

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation filed by Magistrate Judge Roy Payne on March 15, 2017 (Dkt. No. 43) recommending granting of Dkt. No. 42, Defendants' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (the "Motion"). The Report and Recommendation states two reasons supporting dismissal of this case. First, the Report and Recommendation concluded that all allegations concerning U.S. Patent 9,094,694 should be dismissed because the patent expired before it issued. Second, with respect to the other two asserted patents and the remaining claims, the Report and Recommendation concluded that Plaintiff has no plausible basis for alleging that the claim limitation "TV Channel" covers URLs.

Having considered the Motion and the Report and Recommendation, the Court agrees. Plaintiff also has not made a timely objection to the Report and Recommendation. Therefore, the Court is of the opinion that the Recommendation should be and hereby is **ADOPTED** and the Motion (Dkt. No. 43) is **GRANTED**. The Complaint fails to state a claim for patent infringement and all claims against all Defendants are **DISMISSED WITH PREJUDICE**.

**So Ordered this**

**Apr 7, 2017**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE